

**DECLARATION AND POWER OF ATTORNEY**

As a below named inventor, I declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

APPARATUS AND METHOD FOR ABLATING TISSUE

the specification of which was filed on July 12, 2000 as Application No. 09/614,991.

I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56. I claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application(s) for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

<u>Application No.</u>	<u>Country</u>	<u>Date of Filing</u>	<u>Priority Claimed Under 35 USC 119</u>
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I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

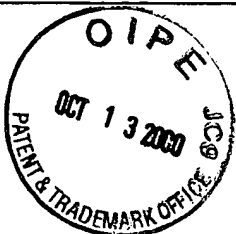
<u>Application No.</u>	<u>Filing Date</u>	<u>Status</u>
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I claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>Application Serial No.</u>	<u>Date of Filing</u>	<u>Status</u>
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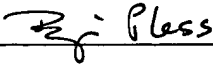
POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Jens E. Hoekendijk, Reg. No. 37,149
Michael J. Lynch, Reg. No. 36,403

<p>Send Correspondence to:</p> <p>Jens E. Hoekendijk 265 San Anselmo Avenue San Francisco, CA 94127</p>		<p>Direct Telephone Calls to:</p> <p>Jens E. Hoekendijk Reg. No. 37,149 Telephone: (415) 753-3376</p>
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I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Full name of sole or one joint inventor: Benjamin Pless


Inventor's signature: 

Date: 9-14-2000

Residence & Post Office Address: 5 Ridgeview Drive
Atherton, California 94027

Citizenship: United States

Full name of sole or one joint inventor: Scott C. Anderson

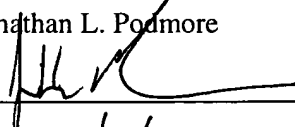
Inventor's signature: 

Date: 9/15/00

Residence & Post Office Address: 548 Cashmere Court
Sunnyvale, California 94087

Citizenship: United States

Full name of sole or one joint inventor: Jonathan L. Podmore

Inventor's signature: 

Date: 9/15/00

Residence & Post Office Address: 444 15th Avenue #307
San Francisco, California 94118

Citizenship: United States



Full name of sole or one joint inventor: Matthias Vaska

Inventor's signature: [Signature]

Date: 9/14/00

Residence & Post Office Address: 752 Roble Avenue
Menlo Park, California 94025

Citizenship: United States

Full name of sole or one joint inventor: John E. Crowe

Inventor's signature: [Signature]

Date: 9/14/00

Residence & Post Office Address: 1601 Mariposa Blvd.
Palo Alto, California 94306

Citizenship: United States

Full name of sole or one joint inventor: Roxanne L. Richman

Inventor's signature: [Signature]

Date: 9/14/00

Residence & Post Office Address: 588 Vasona Avenue #A
Los Gatos, California 95032

Citizenship: United States

Full name of sole or one joint inventor: Timothy Ciciarelli

Inventor's signature: [Signature]

Date: 9/14/00

Residence & Post Office Address: 550 27th Street #201
San Francisco, California 94131

Citizenship: United States

Full name of sole or one
joint inventor:

Inventor's signature:

Date:

Residence & Post Office Address:

Citizenship:



David A. Gallup

David A. Gallup

9-14-00

415 Cola Ballena
Alameda, California 94501

United States

Full name of sole or one
joint inventor:

Inventor's signature:

Date:

Residence & Post Office Address:

Citizenship:

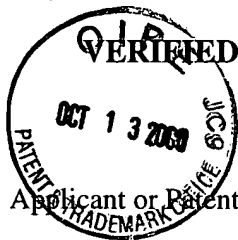
Jack E. Ulstad, Jr.

Jack E. Ulstad, Jr.

9-14-00

14945 Two Bar Road
Boulder Creek, California 95006

United States



**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) & 1.27(c))- SMALL BUSINESS CONCERN**

Applicant or Patentee: **Benjamin Pless, Scott C. Anderson, Jonathan L. Podmore, Matthias Vaska, John E. Crowe, Roxanne L. Richman, Timothy Ciciarelli, David A. Gallup and Jack E. Ulstad, Jr.**

Application No.: **09/614,991**

Filed Or Issued: **July 12, 2000**

Title: **APPARATUS AND METHOD FOR ABLATING TISSUE**

I hereby declare that I am an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN: **EPICOR, INC.**

ADDRESS OF SMALL BUSINESS CONCERN: **240 Santa Ana Court
Sunnyvale, CA 94085**

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled: **APPARATUS AND METHOD FOR ABLATING TISSUE** by inventors **Benjamin Pless, Scott C. Anderson, Jonathan L. Podmore, Matthias Vaska, John E. Crowe, Roxanne L. Richman, Timothy Ciciarelli, David A. Gallup and Jack E. Ulstad, Jr.**, described in the specification filed on July 12, 2000 and identified as U.S. Patent Application No. 09/614,991.

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING:

TITLE OF PERSON IF OTHER THAN OWNER:

ADDRESS OF PERSON SIGNING:

Matthias Vaska

Vice President, Research

**240 Santa Ana Court
Sunnyvale, CA 94085**

Date:

9/14/00

Signature:



Attorney Docket No. 003-006

POWER OF ATTORNEY BY ASSIGNEE

EPICOR, INC., a Delaware corporation, located at 240 Santa Ana Court, Sunnyvale, CA 94085, is the Assignee of the invention entitled: **APPARATUS AND METHOD FOR ABLATING TISSUE**, the specification of which was filed on July 12, 2000 and identified as U.S. Patent Application No. 09/614,991.

The Assignment accompanying this Power of Attorney (or filed concurrently herewith under separate cover to the attention of the Assignment Branch) has been reviewed by the undersigned. The undersigned certifies that to the best of the undersigned's knowledge and belief, title is in the Assignee.

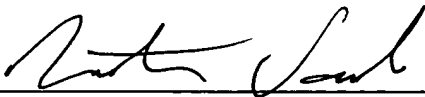
Assignee hereby appoints the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Jens E. Hoekendijk, Reg. No. 37,149
Michael J. Lynch, Reg. No. 36,403

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EPICOR, INC.

Date: 9/14/00

By: 
Matthias Vaska
Vice President, Research